

## UNITED STATES DISTRICT COURT

for the

EASTERN District of CALIFORNIA

United States of America )

v. )

DANIEL MARTINEZ SANDOVAL )

Case No: 1:02CR005094-002

USM No: 60509-097

Date of Previous Judgment: 05/21/2003 )

David Porter, Asst. Federal Defender

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 144 months is reduced to 138 months.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29Amended Offense Level: 27Criminal History Category: VICriminal History Category: VIPrevious Guideline Range: 144 to \_\_\_\_\_ monthsAmended Guideline Range: 130 to 144 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

## III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 05/21/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: May 22, 2008/s/ Lawrence J. O'Neill

Judge's signature

Effective Date: \_\_\_\_\_

(if different from order date)

Lawrence J. O'Neill, U.S. District Judge

Printed name and title